

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Western District of Virginia



Lynchburg Division

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JAN 08 2018

JULIA C. DUDLEY, CLERK
BY: *F. C. C.*
DEPUTY CLERK

Jason Dean Hartman

Kimberly Dawn Hartman

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Bonicha "Bonnie" Dellinger

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

6:18 CV 00002

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jason Dean Hartman		
Street Address	203 Manor Drive		
City and County	Forest	Bedford County	see attached
State and Zip Code	Virginia	24551	
Telephone Number	434-942-6249		
E-mail Address	jasonkim2427@outlook.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

UNITED STATES DISTRICT COURT

for the

Western District of Virginia



Lynchburg Division

Jason Dean Hartman

Kimberly Dawn Hartman

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Bonicha "Bonnie" Dellinger

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kimberly Dawn Hartman
Street Address	203 Manor Drive
City and County	Forest Bedford County
State and Zip Code	VA. 24551
Telephone Number	434-942-6249
E-mail Address	jasonkim2427@outlook.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Bonicha " Bonnie" Dellinger
Job or Title <i>(if known)</i>	
Street Address	429 Collington Drive
City and County	Lynchburg Campbell County
State and Zip Code	Virginia 24502
Telephone Number	434-944-6061
E-mail Address <i>(if known)</i>	bonniedellinger@yahoo.com

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Defendant violated Frank Dodd-Act, seller financing section in September 2015. This Act requires specific penalties totaling more than \$75,000 for violations. The defendant threatened plaintiff via email, made derogatory/demeaning/accusatory statements about plaintiffs. Defendant sold plaintiffs property without disclosing as-is, resulting in severe water damage that was a slow pipe leak long before plaintiffs bought property. Property damages \$13,000, Asking \$100,000 total (\$26,500 is forgiveness of mortgage).

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Jason Dean Hartman, is a citizen of the State of *(name)* Virginia.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* Bonicha "Bonnie" Dellinger, is a citizen of the State of *(name)* Virginia. Or is a citizen of *(foreign nation)*.

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

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A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Kimberly Dawn Hartman, is a citizen of the State of *(name)* Virginia.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* Bonicha "Bonnie" Dellinger, is a citizen of the State of *(name)* Virginia. Or is a citizen of *(foreign nation)*.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Defendant violated the Frank-Dodd Act, seller financing section in September 2015. This Act requires specific penalties totaling far more than \$75,000 for violations. The defendant violated the fair lending act by threatening plaintiff via emails. Defendant sold plaintiff property without disclosing it was as-is, severe water damage occurred as a result of a slow leak starting before plaintiff purchased. Damages total \$13,000, \$26,500 forgiveness of remainder of mortgage

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. Defendant violated Frank-Dodd Act, seller financing section in September 2015. Interest rate did not match the index at the time (it exceeded it) and it was negotiable (not fixed as law states).
2. The financing terms were limited to 2.5 years, not 5 as the Frank-Dodd law states. Longer financing terms were asked for and denied. This has made payments near impossible to make.
3. Plaintiff has paid defendant \$63,000 in 24 months. Each time plaintiff had to be a week late or make one payment a month, defendant agreed. In recent months, defendant has violated lending acts by threatening plaintiff via email, making derogatory and demeaning statements about plaintiffs, and refusing to reimburse water damage from a slow leak occurring years before plaintiff bought property. Contract did not state as-is.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Relief sought is \$ 100,000. Defendant violated the Frank-Dodd Act seller financing which carries a penalty of up to \$5,000/day or \$1,000,000 total. Plaintiff is seeking reimbursement for extensive water damages done to property from a slow leak in the condo that plaintiffs were never told about when purchasing. Punitive damages are being sought for the threatening, derogatory, and demeaning statements made by the defendant to the plaintiffs, causing undue distress.

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V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/08/2018

Signature of Plaintiff

Printed Name of Plaintiff

Jason Dean Hartman

Kimberly Dawn Hartman

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address